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FISCAL IMPACT STATEMENT

LS 6943

BILL NUMBER: HB 1304

NOTE PREPARED: Dec 29, 2010

BILL AMENDED:

SUBJECT: Electronic Access to Public Records.

FIRST AUTHOR: Rep. Friend

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill provides that a public agency may: (1) deny access to an individual to inspect or copy a public record on the premises of the public agency; (2) refuse to provide copies of a public record on paper, disk, drum or other electronic media; or (3) refuse to deliver a record electronically by electronic mail or by fax; if the public record may be retrieved electronically through a web site maintained or sponsored by the public agency.

The bill provides that a public agency may not deny access or refuse to provide copies if the records may not be retrieved electronically due to a malfunction of the public agency's web site. It also requires a person making a request for records to attest, subject to penalties for perjury, that the person tried to access the public records through the public agency's web site, but was unable to retrieve the public record due to a malfunction of the web site.

Effective Date: July 1, 2011.

Explanation of State Expenditures: *Access to Public Records:* This bill may reduce public agency expenditures to the extent that they are currently receiving public records requests for information that is provided on their web sites.

Penalty Provision: This bill provides that individuals making requests for public records must attest, subject to penalties for perjury, that they attempted to access the public records through the agency's web site, but were unable to retrieve them. The penalty for perjury is a Class D felony. However, any additional expenditures are likely to be small.

Explanation of State Revenues: *Penalty Provision:* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. However, any additional revenues would likely be small.

Explanation of Local Expenditures: *Access to Public Records:* See *Explanation of State Expenditures*.

Explanation of Local Revenues:

State Agencies Affected: All; Department of Correction.

Local Agencies Affected: All; Trial courts, local law enforcement agencies.

Information Sources:

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